



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/282,679 03/31/99 FALO L 214001-00703

003705 HM22/0705
ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH PA 15219

EXAMINER

VANDER VEGT, F
ART UNIT PAPER NUMBER

1644
DATE MAILED: 07/05/00

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/282,679

Applicant(s)
Falo et al

Examiner
F. Pierre VanderVegt

Group Art Unit
1644



☒ Responsive to communication(s) filed on Apr 21, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), ~~or thirty days, whichever is longer~~, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) 14-36 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

This application is a continuation-in-part of application S.N. 09/030,985, which claims priority to provisional application 60/039,472.

Claims 1-36 are currently pending in this application.

5

Election/Restriction

1. Claims 14-36 stand withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to non-elected inventions, the requirement having been traversed in Paper No. 6.

10 Claims 1-13 remain as the subject of examination in the present Office Action.

2. In view of the amendment filed April 24, 2000, no outstanding rejections are maintained.
THIS ACTION IS NON-FINAL.

15

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless --

20

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the Applicant for a patent.

3. Claims 1-13 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Moser et al (N on form PTO-892).

25

The Moser et al reference teaches fusion of murine dendritic-like cells with murine mastocytoma cells (Abstract in particular). Moser et al also teaches the fusion of human dendritic-like cells with human osteosarcoma cells to form a human dendritic/tumor hybrid cell line at a 2:1 ratio (Examples 7-9, pages 30-31 in particular). Moser et al further teaches the in vitro use of the hybridoma cells for priming autologous T cells before reinfusion of the T cells for an anti-tumor response (Abstract and claims 23-24 in particular) The prior art teaching clearly

anticipates the claimed invention. Claims 7, 8, 10 and 11 are included because the instant claims are drawn to the generation of antigen-specific T cells, not to the fusion procedure, and absent any showing to the contrary by Applicant, the ratio of dendritic to tumor cells is not seen as being as being a critical factor in the ability of the hybridomas to stimulate the T cells.

5

Conclusion

4. Papers related to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax phone number for official documents to be entered into the record for Art Unit 1644 is (703)305-3014.

10 Any inquiry concerning this communication or earlier communications from the Examiner should be directed to F. Pierre VanderVegt, whose telephone number is (703)305-6997. The Examiner can normally be reached Tuesday through Friday and odd-numbered Mondays (on year 2000 366-day calender) from 6:30 am to 4:00 pm ET. A message may be left on the Examiner's voice mail service. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ms. Christina Chan can be reached at (703)308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist, whose telephone number is (703)308-0196.

20

F. Pierre VanderVegt, Ph.D.
Patent Examiner
Technology Center 1600
July 3, 2000



**F. PIERRE VANDERVEGT
PATENT EXAMINER**